

## DEPARTMENT OF HEALTH

**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Title 17 (Business, Occupations & Professions) (May 1990) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of the amendments is to clarify the national examination requirements to become eligible for licensure in naturopathic medicine.

**Chapter 52 of Title 17 DCMR is amended to add the following new sections:**

**Section 5205.5 is amended to read as follows:**

- 5205.5      A passing score on Part II of the core clinical science series shall consist of:
- (a) Achieving a minimum converted score of at least seventy-five (75) on all eight (8) Part II core clinical science examinations; or
  - (b) Under the compensatory model for Part II of the core clinical science series:
    - (1) Achieving a converted score on the physical and clinical examination of at least seventy-five (75);
    - (2) Achieving an average converted score on each of the eight (8) Part II core clinical science examinations of at least seventy-five (75) with clinical add-on examination scores not being included in the average; and
    - (3) Achieving a converted score for every Part II core clinical science examination of at least seventy (70).
- 5205.6      Part II add-on examinations for homeopathy, minor surgery and acupuncture shall not be required.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the

Department at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 75 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of these amendments is to clarify educational, licensure, and training requirements, to define the scope of the practice of massage therapy, and to expand the standards of practice.

**Chapter 75 (Massage Therapy) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:**

**Section 7502 is deleted in its entirety and amended to read as follows:**

**7502 EDUCATIONAL REQUIREMENTS**

- 7502.1 Except as otherwise provided in this chapter, an applicant shall furnish proof satisfactory to the Board that the applicant has successfully completed an educational program in the practice of massage therapy at an institution or institutions licensed by the District of Columbia Educational Licensing Commission or, in the discretion of the Board, by the educational licensing authority of another state, at the time the applicant graduated. In addition, said institution(s) shall be approved or accredited by the Commission on Massage Therapy Accreditation/Approval or shall have equivalent standards as determined by the Board; or said institution(s) shall be accredited by the Accreditation Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, another accreditation agency approved by the United States Department of Education, or a regional body for post secondary education, at the time the applicant graduated, in accordance with § 504(d-1) of the Act (D.C. Official Code § 3-1205.04(d-1)).
- 7502.2 An applicant for a license to practice massage therapy shall establish, to the satisfaction of the Board, that he or she has successfully completed a minimum of five hundred (500) hours of in-class training. At least three (3) of the hours shall be in professional ethics.
- 7502.3 An applicant who applies for a license to practice as a massage therapist

more than two (2) years after completing the educational and examination requirements shall submit proof, to the satisfaction of the Board, of having completed fifty (50) hours of clinical training under the charge of a supervisor, of which at least twenty-five (25) hours shall be client contact hours within the four (4) months prior to the date the application is submitted.

- 7502.4 Of the minimum 500 hours of in-class training required by § 7502.2, a minimum of 100 hours shall consist of anatomy, physiology, and kinesiology. The remaining 400 hours shall include a majority of hours in massage therapy theory and practice, as well as discretionary related course work, including but not limited to professional ethics, business practices, health and hygiene, contraindications of massage, cardiopulmonary resuscitation (CPR), and first aid.
- 7502.5 The in-class training hours required by § 7502.2 shall be accumulated in programs not less than six (6) months total duration.
- 7502.6 An applicant may attend more than one (1) training institution, provided he or she graduates from a school requiring a minimum of five hundred (500) in-class hours.
- 7502.7 Credits earned from a college or university shall be converted by the federal government conversion rate, which grants thirty-seven (37) clock hours for each one (1) credit hour. One (1) classroom hour shall be defined as no less than fifty (50) minutes of any one (1) clock hour. The Board shall not recognize correspondence and on-line courses.
- 7502.8 An applicant shall submit the following as part of a completed application form:
- (a) An official certified transcript of the applicant's successful completion of the required in-class training;
  - (b) A certificate of graduation from an approved school;
  - (c) Certification, pursuant to § 7504.2, of the applicant's passing the required approved examination; and
  - (d) Current certification in both CPR and first aid.
- 7502.9 The Board may issue a list of approved schools and training programs.

**Section 7506.1 is amended to read as follows:**

- 7506.1 Subject to § 7506.2, this section shall apply to renewal, reactivation, or

reinstatement of a license for a term beginning February 1, 2009, and for subsequent terms thereafter.

**Section 7506.4 is amended to read as follows:**

7506.4 An applicant for renewal, reactivation, or reinstatement of a license shall submit proof pursuant to § 7506.7 of having completed twelve (12) hours of approved continuing education credit during the two (2) year period preceding the date the license expires which shall consist of the following:

- (a) Three (3) hours of professional ethics; and
- (b) Nine (9) hours of massage-related course work provided by a Board approved provider of which six (6) hours shall be completed in a live classroom setting taught by an appropriate instructor.

**Section 7506.6 is amended to read as follows:**

7506.6 To qualify for reinstatement of a license to practice massage therapy, an applicant shall submit proof pursuant to § 7506.7 of having completed the following:

- (a) Six (6) hours of approved continuing education credit for each year that the license was expired with at least three (3) hours completed in a live classroom setting taught by an appropriate instructor with an emphasis on manual techniques; and
- (b) Three (3) hours of professional ethics.

**A new section 7506.12 is added to read as follows:**

7506.12 The Board shall periodically conduct a random audit of at least five percent (5%) of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall return the completed continuing education compliance audit form and all supporting documentation to the Board within thirty (30) days of receiving notification of the audit. Failure to comply with the continuing education requirements may subject the licensee to disciplinary action by the Board.

**Section 7507.3 is amended to read as follows:**

7507.3 To qualify for approval by the Board, a continuing education program shall do the following:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one (1) of the following requirements:
  - (1) Be administered or approved by a recognized national, state, or local massage therapy organization, NCBTMB, health care organization, accredited health care facility, or an accredited college or university; or
  - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

**A new section 7510 is added to read as follows:**

**7510           SCOPE OF PRACTICE**

7510.1       A massage therapist or any person so authorized under the Act to perform massage therapy may perform the following functions:

- (a) Effleurage (stroking);
- (b) Petrissage (kneading);
- (c) Tapotement (tapping);
- (d) Flexibility training (stretching, strengthening, and manual traction);
- (e) Compression;
- (f) Vibration;
- (g) Friction (with or without the aid of cold packs);
- (h) Direct icing; or
- (i) Non-legend topical applications, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscle pain, reducing stress, or promoting health and well-being.

7510.2       Massage therapy does not include incidental use of soft tissue manipulation while primarily engaging in another technique or modality in which a practitioner is qualified.

**Section 7511.3 is amended to read as follows:**

- 7511.3 Students and applicants shall adhere to the following:
- (a) A student shall practice massage therapy only under the charge of a supervisor; and
  - (b) An applicant may practice massage therapy prior to licensure for no more than 90 days only with a supervised practice form and under the charge of a supervisor.

**A new section 7512 is added to read as follows:**

**7512 CARDIAC PULMONARY RESUSCITATION AND FIRST AID REQUIREMENTS**

- 7512.1 This section shall apply to renewal, reactivation, or reinstatement of a license for a term beginning February 1, 2009, and for subsequent terms thereafter.
- 7512.2 An applicant for renewal, reactivation, or reinstatement of a license shall submit to the Board with the renewal, reactivation, or reinstatement application copies of certificates indicating CPR and first-aid certification valid at the date of renewal, reactivation, or reinstatement. Such certification shall not be used to satisfy continuing education requirements.

**Section 7514.1 is amended to read as follows:**

- 7514.1 A licensed massage therapist shall do the following:
- (a) Perform only those services for which the massage therapist is qualified and shall not represent his or her skills, training, scope of practice, certifications, professional affiliations, and other qualifications in a manner which is false or misleading;
  - (b) Work to eliminate prejudices in the profession and not unjustly discriminate against clients or colleagues;
  - (c) Abide by all health occupations laws that apply to the practice of massage therapy;
  - (d) Protect the client's right to privacy by not divulging confidential information unless disclosure is with the consent of the client or the client's guardian, is, in the judgment of the massage therapist, needed to protect the client or the community, or is otherwise required by law;

- (e) Conduct business and professional activities with honesty and integrity and project a professional image in all aspects of his or her practice;
- (f) Respect the integrity of each person and, therefore, shall not engage in any sexual activity with clients or individuals who have been clients within the previous twelve (12) months, nor engage in any activities with the intent of sexually arousing clients;
- (g) Provide information about fees upon request by the client;
- (h) Promptly report any information of illegal, unethical, or unsafe practice of massage therapy to the Board;
- (i) Use professional verbal, nonverbal, and written communications;
- (j) Provide an environment that is safe and comfortable for the client and which, at a minimum, meets all legal requirements for health and safety;
- (k) Use standard precautions to insure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting;
- (l) Wear clothing that is clean, modest, and professional;
- (m) Obtain voluntary and informed consent from the client or the client's guardian prior to initiating the session;
- (n) If applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed;
- (o) Use appropriate draping to protect the client's physical and emotional privacy;
- (p) Refer to other professionals when in the best interest of the client or practitioner;
- (q) Seek other professional advice when needed;
- (r) Respect the traditions and practices of other professionals and foster collegial relationships;
- (s) Refrain from impugning the reputation of any colleague;



- (t) Maintain accurate and truthful records;
- (u) Protect the interests of clients who are minors or who are unable to give voluntary consent by securing permission from an appropriate third-party or guardian;
- (v) Solicit only information that is relevant to the professional client therapist relationship;
- (w) Maintain client files for a minimum of three (3) years past the date of last contact for an adult and, for a minor, a minimum of three (3) years after the minor reaches the age of majority;
- (x) Store and dispose of client files in a secure manner;
- (y) Maintain adequate and customary liability insurance;
- (aa) Maintain adequate progress notes for each client session, if applicable;
- (bb) Advertise in a manner that is not misleading to the public by, among other things, the use of sensational, sexual, or provocative language or pictures to promote business;
- (cc) Display or discuss schedule of fees in advance of the session so as to be clearly understood by the client or potential client;
- (dd) Recognize his or her influential position with the client and not exploit the relationship for personal or other gain;
- (ee) Respect the client's right to refuse the therapeutic session;
- (ff) Refrain from practicing under the influence of alcohol, drugs, or any illegal substances, with the exception of prescribed dosages of prescription medication that do not significantly impair the therapist; and
- (gg) Have the right to refuse or terminate the service provided to a client who is abusive or under the influence of alcohol, drugs, or any illegal substance.

**A new section 7515 is added to read as follows:**

**7515                    SUPERVISED PRACTICE FORM**

7515.1                A supervised practice form shall be submitted to the Board two (2) weeks

prior to commencement of supervised practice. A supervised practice form may only be issued to an applicant one (1) time. An applicant may practice massage therapy while working under a supervised practice form for no more than ninety (90) days, and may practice at multiple locations at the discretion of the supervisor(s).

- 7515.2 A supervisor may supervise no more than three (3) applicants at any one time.

**A new section 7516 is added to read as follows:**

**7516 TUBERCULIN TEST REQUIRED**

- 7516.1 This section shall apply to renewal, reactivation, or reinstatement of a license for a term beginning February 1, 2009, and for subsequent terms thereafter.
- 7516.2 An applicant for an initial, renewal, or reinstatement of a license shall provide to the Board proof that the applicant has had an intradermal tuberculin test performed within the twelve (12) months prior to submission of the application. The applicant shall not be required to forward the results of the test to the Board.

**Section 7599.1 is amended to read as follows:**

- 7599.1 As used in this chapter, the following terms shall have the meanings ascribed:

**Act** means the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C Official Code § 3-1201.01 *et seq.*).

**Applicant** means a person applying for a license to practice massage therapy under this chapter.

**Approved School** means any institution or training program which meets the requirements of § 7502.1.

**Board** means the Board of Massage Therapy, established by § 215(a) of the Act (D.C. Official Code § 3-1203.15(a)).

**Full time** means working at least 37.5 hours per week. Client contact while performing massage therapy must comprise at least sixteen (16) of those 37.5 hours.

**Incidental use** means soft tissue manipulation performed as part of movement re-education, energy healing, or other modality in which the soft tissue manipulation is not the central aim of the treatment, but is performed occasionally to facilitate the non-massage therapy practice.

**Massage techniques** means any touching or pressure with the intent of providing healing or therapeutic benefits through soft tissue manipulation. If the practice of soft tissue manipulation is limited only to the feet and hands, it shall not be considered a massage technique. Massage techniques may be performed in any postural position including seated massage and techniques performed on clothed clients.

**Massage therapist** means a person licensed to practice massage therapy under the Act.

**Sexual activity** means any direct or indirect physical contact or connection by any person, or between persons, which is intended to erotically stimulate either or both persons or which is likely to cause such stimulation. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation occurs.

**Substantially full time** means working at least twenty-eight (28) hours per week. Client contact while performing massage therapy must comprise at least twelve (12) of those 28 hours.

**Supervision** means oversight by a supervisor who is available on the premises or by vocal communication, either directly or by a communications device, and within one (1) hour of travel time of the supervisee.

**Supervisor** means a massage therapist who is licensed under the Act and in good standing in the District of Columbia, who assumes legal, ethical, and professional responsibility for the conduct of a student or applicant performing massage therapy under his or her charge.

**Training** means in-class instruction from an approved institution pursuant to § 7502.1. Apprenticeships, internships, correspondence courses or any other out-of-class experience are not considered training, but are considered experience.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.

## EXECUTIVE OFFICE OF THE MAYOR

## NOTICE OF PROPOSED RULEMAKING

The Mayor, pursuant to the authority set forth in sections 422 and 449 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code §§ 1-204.22 and 1-204.49), hereby gives notice of his intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, a new title 1 DCMR Chapter 8 (Employees' Travel and Related Expenses).

This rulemaking is necessary to update the procedure for the request and authorization of official travel and the reimbursement of official business expenses. The rulemaking clarifies the rules governing official government travel and ensures the accountability of government officials and employees.

Title 1 DCMR Chapter 8 is amended to read as follows:

**CHAPTER 8 --EMPLOYEES' TRAVEL AND RELATED EXPENSES****Section**

- 800 Purpose and Scope
- 801 General Provisions
- 802 Administrative Responsibilities
- 803 Local Travel
- 804 Out of Town Travel
- 805 Travel Card Program
- 806 Procedures for Tender Other Than Travel Cards
- 807 Travel Advance
- 808 Reimbursement
- 809 Restrictions
- 810 Waivers
- 899 Definitions

**800 PURPOSE AND SCOPE**

- 800.1 To establish uniform policies and standard procedures for travel undertaken by the employees of the District of Columbia Government (District or District government) working under the authority of the Mayor.
- 800.2 To utilize efficient and cost effective means of transportation and travel-related services as required by government operations.

- 800.3 To ensure that all travel and travel-related expenses and services are properly recorded, tracked, and maintained in the District's Automated Accounting and Reporting Systems.
- 800.4 To ensure accountability through implementation of standardized evaluation and monitoring techniques that:
- (a) Determine levels of compliance;
  - (b) Provide ongoing assessment; and
  - (c) Conduct periodic cost/benefit analyses.
- 800.5 The provisions of this chapter shall apply to all employees of the District government who work under the authority of the Mayor.

## **801 GENERAL PROVISIONS**

- 801.1 For employee travel to be reimbursable, it must be justified as advantageous to the interests of the District government. Official government travel by employees includes travel that is required to attend authorized meetings, conferences, conventions, seminars, or professional training sessions. Official travel may also include travel and travel-related services for interviewing prospective employees of the District government.
- 801.2 All official travel must be authorized in advance by the agency head, or his or her designee.
- 801.3 Each agency head, or his or her designee, shall consider whether the requested employee travel is necessary to effectively accomplish the business of the District government before authorizing such travel.
- 801.4 Only the actual, necessary, and reasonable expenses incurred by an employee while on authorized travel are to be paid or reimbursed by the District government, with the exception of meal and incidental expenses that are to be paid by *per diem*. District employees must exercise good judgment when making travel arrangements and travel-related purchases.
- 801.5 It is preferred that employees use District government travel cards instead of travel advances for all payments of expenses for official government travel, and such use shall be in accordance with the Government Travel Card Program administered by the Office of Contracting and Procurement. Issuance of a travel card shall be at the discretion of the agency head.
- 801.6 Written authorization is required for all training related activities (courses, seminars, meetings or conferences) that include travel. Each employee

request for travel authorization shall be submitted on a Travel Justification Form.

801.7 The number of employees authorized to attend conferences is limited to those whose attendance will substantially benefit the District government's service obligations. Authorizations shall be entirely based on an employee's official duties and responsibilities, and shall be approved by the agency head or his/her designee.

801.8 Employees working under the authority of the Mayor shall comply with all rules, regulations, policies and procedures involving official government travel.

## 802 ADMINISTRATIVE RESPONSIBILITIES

802.1 Responsibilities for the implementation and application of the District's Travel Regulations shall be shared by the following government agencies:

(a) **The Office of the City Administrator (OCA)** which shall conduct annual reviews of best travel policy practices to optimize benefits, cost savings, and service for District employees required to travel in the performance of their duties. The City Administrator or his/her designee shall consider and approve or disapprove all requests for authorization of official government travel to be undertaken by agency heads, as well as related requests for approvals or waivers.

(b) **The Office of the Chief Financial Officer (OCFO)** which shall be the lead agency for monitoring the travel regulations and for maintaining financial control and reporting. Payment of travel costs and the processing of requests for travel advances and reimbursements are the responsibility of the OCFO.

(c) **The Office of Contracting and Procurement (OCP)** which shall oversee the Travel Card program and report to the OCFO on all matters pertaining to Travel Card use by employees of the District government.

(d) **The Department of Public Works (DPW)** which shall oversee the Fleet Management Travel Policy and Procedures and report to the OCFO on all matters pertaining to fleet travel by employees of the District government.

(e) **Agency Heads** who shall consider and approve or disapprove all requests for travel authorization by their employees and all requests for related approvals or waivers and shall ensure

compliance with all rules, regulations, policies and procedures involving official District government travel. Agency heads must seek all authorizations for their own official travel, in accordance with these rules, from the City Administrator, or his designee.

- 802.2 Once travel is duly authorized, employees are responsible for making their own travel arrangements and shall request the government rate for airline and lodging. Employees shall submit an accounting for official travel expenses incurred on a Travel Expense Form to their agency head or designee for approval within ten (10) working days following the completion of travel. All receipts shall be attached and the report shall reflect any tenders provided to the traveler.

### **803 LOCAL TRAVEL**

- 803.1 Each agency shall make bulk purchases of bus and subway passes from the Washington Metropolitan Area Transit Authority ("WMATA", popularly referred to as "METRO") for use by employees who must travel within the city to meetings or training activities. Authorizations, disbursement records and documentation shall be maintained according to accounting requirements established by the OCFO.

- 803.2 The use of a taxi by an employee for local travel may only be approved if there are extenuating circumstances (that make it clear that use of the subway, bus or a District vehicle is not viable) and such use has been approved in advance in writing by the agency head or designee. Agency heads shall keep a separate record of such approvals which shall be made available upon request to the OCFO or OCP or OCA.

- 803.3 An employee may use his or her personal vehicle for official government business only when such use is advantageous to the District government and is authorized in advance by an agency head or designee. Prior to authorizing payments for use of personal vehicles, managers must certify that "no government-owned vehicle", per subsection 803.4 below, is available for use.

- 803.4 The District's Department of Public Works (DPW) administers a program that oversees the maintenance and utilization of government-owned vehicles. Authorized users of District government vehicles shall obtain necessary gas, oil, maintenance and repairs from DPW garage facilities. DPW shall provide annual reports on the "over or under-utilization" of all vehicles and an annual utilization plan that optimizes fleet services.

### **804 OUT OF TOWN TRAVEL**

- 804.1 Employees are expected to be prudent in their selection of travel options.

While air travel is often the most economical and practical mode of transportation for out of town travel, consideration should be given to the use of rail, boat, or bus transportation, use of a government-owned vehicle, car rental or use of an employee's personal vehicle when it is either the most economical alternative or there is no other option at the time. Air travel costs shall be for coach or tourist fares at roundtrip or excursion rates. Personal vehicles may only be used when authorized in advance by agency heads or designees.

- 804.2 A contract for car rental may only be entered into by an employee when authorized prior to travel by the agency head or designee.
- 804.3 Taxi fares may be authorized for taxi trips during out of town travel that relate to official (non-personal) purposes.
- 804.4 Reasonable judgment should be used in selecting accommodations. Extra night charges are permitted when necessary to ensure that the employee returns home at a reasonable hour.
- 804.5 No receipts for meals and incidental expenses are required as the reimbursement for these costs is provided by the daily *per diem* rate, equivalent to the *per diem* allowance set by the federal government for travel by its employees. See [www.gsa.gov](http://www.gsa.gov) for current rates.
- 805 TRAVEL CARD PROGRAM**
- 805.1 Where possible, it is preferred that employees use District government travel cards instead of travel advances for all payments of expenses for official government travel, and such use shall be in accordance with the Government Travel Card Program administered by the Office of Contracting and Procurement. The policy and procedures for this program can be found at [www.ocp.in.dc.gov](http://www.ocp.in.dc.gov) under Policies/Forms.
- 805.2 Agency heads may exempt an employee from use of a District government travel card in a case in which:
- (a) It is in the best interest of the District government to do so; and/or
  - (b) Payment through a travel card is impractical or imposes unreasonable burdens or costs on District employees or District agencies.
- 805.3 Agency heads shall keep a separate record of such exemptions authorized pursuant to subsection 805.2, which shall be made available upon request to the OCFO, OCP or OCA.



**806 PROCEDURES FOR TENDER OTHER THAN TRAVEL CARDS**

- 806.1 Each agency head is responsible for purchasing, distributing, and maintaining daily records on tenders other than travel cards for local travel to perform official government business. The internal practice of each agency head must have the approval of the OCFO and that internal practice shall track balances on a daily basis. Records shall be maintained to reflect the employee's name, department, justification and authorization for travel, the tender provided and proof of cost.

**807 TRAVEL ADVANCE**

- 807.1 Employees authorized to travel may request a prepayment of actual travel expenditures such as confirmed airfare, lodging, conference fees and ground transportation, to be approved by agency head or designee.
- 807.2 The employee shall use the Travel Authorization Form when requesting a travel advance.
- 807.3 Such prepayment may either be as a travel advance payable to an employee or directly to the service provider. In addition, employees authorized to travel may request a travel advance which includes the per diem allowance for meals and incidentals and related reimbursable costs such as estimated ground transportation.
- 807.4 The criteria in section 805 must first be met before requests for travel advances are approved.

**808 REIMBURSEMENT**

- 808.1 The mode of travel will be authorized and reimbursed based on reasonableness, in accordance with sections 803 and 804.
- 808.2 Hotel reimbursement will be based on actual cost and must be supported by an itemized hotel receipt. Unless an employee is granted a waiver in accordance with subsections 808.3, 808.4 and 808.5, the maximum hotel reimbursement is the federal *per diem* lodging rate for that city and county in the continental United States, as adjusted and issued annually. See [www.gsa.gov](http://www.gsa.gov) for current rates. Hotel expenses beyond that rate are the personal responsibility of the employee. Charges in excess of a single room are not eligible for reimbursement.
- 808.3 Requests for waiver of the federal lodging rate will be considered for the following circumstances:

(a) Unavailability of lodging at the federal rate (subject to verification);

(b) The remote location of available lodging at the federal rate, if the time and expense to travel back and forth is excessive relative to the added cost of staying at the conference location; or

(c) Members of a group are staying in a common room or suite to lower costs.

- 808.4 Requests for waiver of the federal lodging rate must be supported by two (2) rate quotes from hotels showing the cost of rooms exceeding the federal lodging rate or, alternatively, showing that the location of a hotel with available rooms at the lodging rate is too far from the conference location.
- 808.5 Requests for waiver of the federal lodging rate, in accordance with 808.4, must be approved prior to travel. The employee shall use the Travel Exemption Request Form when requesting such a waiver.
- 808.6 The number of nights shall be determined by the conference and travel schedule and the employee's ability to depart or arrive home at a reasonable hour. An estimate of the number of nights that lodging is needed must be entered on the Travel Justification Form.
- 808.7 Travelers are directed to request exemption from any hotel taxes, based upon their government identification and their Travel Justification Form. However, travelers are advised that the application of a hotel tax varies from state to state and even within states.
- 808.8 Business telephone calls are reimbursable and should be so noted on the hotel bill. One personal telephone call, reimbursed up to five dollars (\$5.00) per night, is allowed for each night an individual is on travel. Additional personal telephone calls are not reimbursable.
- 808.9 The reimbursement for meals and incidental expenses will be the daily *per diem* allowance equal to that set by the federal government for travel by its employees. See [www.gsa.gov](http://www.gsa.gov) for current rates. Receipts are not required unless the costs exceed the *per diem* rate. When costs exceed the *per diem* rate, each individual receipt shall be submitted to and signed by the authorizing agency head in order to receive reimbursement. Alcoholic beverages and all entertainment expenses are specifically excluded from meals and incidental expenses.
- 808.10 Service fees for purchasing travelers checks of more than five hundred

dollars (\$500) for authorized government travel are reimbursable upon furnishing proof of purchase.

- 808.11 Expenses incurred while performing official business activities, such as telecommunications charges and normal baggage handling fees shall be reimbursed, as well as the costs of obtaining any necessary passports and visas.
- 808.12 Conference and seminar registration and/or subscription fees are fully reimbursable if advance authorization has been given. When early registration provides an opportunity to pay a lower rate, reimbursement shall be limited to that lower rate, unless such failure to register early can be justified by the employee and is waived by the agency head. It will be the responsibility of the employee to provide sufficient support documentation to prove that he/she has taken advantage of any early registration offers or to justify failure to register early.
- 808.13 Taxi fares shall be reimbursed for out of town travel as documented by a valid and accurate receipt. The employee may charge out-of-town travel taxi charges to their Travel Card, in accordance with the Travel Card policy.
- 808.14 Taxi fares shall be reimbursed for local travel only if such use has been approved in advance in writing by an agency head or designee.
- 808.15 The mileage rate for use of personal vehicles shall be the mileage rate set by the federal government for its employees. See [www.gsa.gov](http://www.gsa.gov) for current rates.
- 808.16 Out-of-pocket expenses (gas, oil, repairs and other vehicle expenses) for District government vehicles shall only be reimbursed when it is impractical to obtain such service at the District's facilities.
- 808.17 Reimbursement for use of a personal vehicle shall include mileage at the mileage rate set by the federal government for its employees. Mileage shall be calculated based on the distance from the starting point to the destination. When travel originates from a location other than the workplace, mileage claimed shall be the lesser of the following distances: from home to the destination or from work to the destination. See [www.gsa.gov](http://www.gsa.gov). Reimbursement shall also include parking expenses, tolls and related expenses.
- 808.18 Reimbursement for car rental shall include reasonable rental and insurance fees, parking, tolls and related expenses.

- 808.19 Training related costs for tuition, fees, books and related materials, and membership fees are reimbursable upon furnishing proof of expenditures.

**809 RESTRICTIONS**

- 809.1 An individual authorized to receive Metro passes, taxi vouchers, a credit card under the Government Travel Card Program, or any other monetary tender can only pay for travel and travel-related expenses (*transportation, meals, gratuities, travelers check fees, official calls, faxes, high speed internet costs, telegraph charges*) incurred while **on official government travel**.
- 809.2 The use of government travel funds to pay for the travel or travel-related expenses of accompanying family or friends or for personal expenses (such as alcoholic beverages, tobacco, movie rentals, entertainment, laundry or dry cleaning) is **strictly prohibited**, with the exception of reasonable laundry and/or dry cleaning expenses for employees on authorized trips of more than five (5) days.
- 809.3 Excessive costs (such as the use of unnecessary routes, late-fees, first-class airfare, luxury accommodations and services deemed unnecessary or unjustified in the performance of official business) are not acceptable and shall not be reimbursed under this policy. Employees shall be personally responsible for such excessive costs and for any additional expenses incurred for personal preference or convenience.

**810 WAIVERS**

- 810.1 A written exemption or "waiver" may be requested by an employee from his or her agency head to exempt the employee from restrictions relating to the *per diem* rate for lodging (see section 808) or from other travel restrictions. A waiver shall only be authorized as a result of extenuating circumstances which must be documented in the waiver request, and agency heads shall keep a separate record of such exemptions granted to employees to be made available upon request to OCFO, OCP or OCA.
- 810.2 For cross country travel (more than three (3) hours) and international travel, the Mayor may travel business class.

**899 DEFINITIONS**

- 899.1 As used in this chapter, the following terms have the meaning ascribed:
- Agency** - an office, department, board, commission or other entity within the District government.

**Common Carrier** - a private sector supplier of air, rail, shipping or bus transportation.

**Electronic Purchase** - the purchase of travel or travel-related services through the use of the electronic media, such as telephone, facsimile, Internet web service, and electronic mail.

**Employee** - an individual who performs a function of the District government and who receives compensation for the performance of such services. This term shall include full-time employees of boards and commissions but not the members of these bodies.

**Government Travel Card or Travel Card** - a credit card issued by the Office of Contracting and Procurement (OCP) through the District of Columbia Government Travel Card Program.

**Incidental Expenses** - fees and tips given to porters, baggage carriers, bellhops, hotel maids and others. Incidental expenses will not include cost for alcoholic beverages, tobacco, movie rentals, entertainment, or other expenses of a personal nature that are not related to the official business of the District government.

**Local Travel** - travel for official government business to a location that is less than fifty (50) miles from an employee's workplace.

**Lodging** - expenses incurred from use of a hotel, motel, inn, guest house or other establishment that provides lodging to transient guests for overnight sleeping facilities. Lodging does not include accommodations on airplanes, trains, buses or ships that is included in transportation costs.

**Meals** - expenses for breakfast, lunch, dinner and related reasonable tips and taxes. Alcoholic beverages and all entertainment expenses are specifically excluded from meal expenses.

**Mileage Rate** - the reimbursable rate for the authorized use of an employee's personal vehicle for local or out-of-town travel for official government business. See [www.gsa.gov](http://www.gsa.gov) for current rates.

**Out-of-Town Travel** - travel for official government business to a location that is at least fifty (50) miles from an employee's work place.

**Per Diem Allowance** - the subsistence allowance or daily payment provided to employees as reimbursement for meals and related incidental expenses. The amount of such per diem is equivalent to that set by the federal government for travel by its employees. See [www.gsa.gov](http://www.gsa.gov) for current rates.

**Reimbursement** - compensation for costs that the District will pay to an

employee after the employee incurs allowable expenses.

**Taxi Fares** - the cost of a ride in a taxi as documented by a valid and accurate receipt.

**Tender** - an official form of payment, such as the provision of Metro passes to employees for local travel on official business.

**Travel Advance** - the prepayment of travel expenses paid to an employee in cash or check in the name of the employee.

**Travel Card** - the credit card issued to employees of the District Government for approved travel expenditures.

**Waiver** - a written exemption provided by an agency head to an employee that exempts the employee from restrictions relating to the per diem rate for lodging or from other travel restrictions.

All persons desiring to comment on this proposed rulemaking should submit comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be sent to Dianne Haskett, Center for Innovation and Reform, Office of the City Administrator, 1350 Pennsylvania Avenue, N.W., Room 310, Washington, D.C. 20004. Copies of the proposed rules can be obtained from the address listed above during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

**D.C. OFFICE OF PERSONNEL****NOTICE OF PROPOSED RULEMAKING**

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000; and Mayor's Order 2002-56, dated March 4, 2002, and in accordance with the provisions of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701 *et seq.*) (2001), as amended by the Health Care Benefits Expansion Amendment Act of 2006 (Act), effective April 4, 2006 (D.C. Law 16-82; 53 DCR 1057, February 17, 2006), and Council Resolution No. 16-920, deemed approved on November 25, 2006; hereby gives notice of the intent to adopt the following rules in not less than thirty (30) days from the publication of this notice in the *D.C. Register*. The Act amended section 7 of D.C. Law 9-114 (D.C. Official Code § 32-706), which provides that persons first employed by the District government on or after October 1, 1987 who are eligible for health benefits coverage under the District of Columbia Employees Health Benefits Program (Program) may elect to enroll their domestic partners and the dependent children of the domestic partner in the Program. The amendment, which shall apply as of the later of January 1, 2007 or its inclusion in an approved budget and financial plan, provides that, instead of the employees assuming the total additional cost of the family health insurance coverage for the domestic partner or family members, they shall pay twenty five percent (25%) of the cost of family health insurance coverage and the District government shall pay the remaining seventy five percent (75%). Accordingly, these rules would amend section 2129 of Chapter 21, Health Benefits, of Title 6 of the District of Columbia Municipal Regulations (DCMR), to implement the provisions of the Act. Upon adoption, these rules will amend Chapter 21, Health Benefits, of Title 6 of the DCMR, published at 39 DCR 6172 (August 21, 1992) and amended at 50 DCR 3027 (April 18, 2003).

**CHAPTER 21****HEALTH BENEFITS**

*Section 2129 of Chapter 21 of the D.C. Personnel Regulations is amended as follows:*

*The heading of section 2129 is changed from "Optional Self-Financed Health Benefits Coverage for Domestic Partners;" and sections 2129.2, 2129.3, 2129.6, 2129.9, 2129.10, and 2129.12 are amended to read as follows:*

**2129      OPTIONAL HEALTH BENEFITS COVERAGE FOR DOMESTIC PARTNERS**

- 2129.1      The provisions of this section shall be applicable to persons first employed by the District government on or after October 1, 1987 who are eligible for health benefits coverage under the District of Columbia Employees Health Benefits Program established pursuant to D.C. Official Code § 1-621.02 *et seq.* (2001).

- 2129.2 A person who is eligible for health benefits coverage as specified in section 2129.1 of this section may elect to enroll his or her domestic partner and the dependent children of the domestic partner upon employment, or once annually during the District of Columbia Employees Health Benefits Program open enrollment period.
- 2129.3 Notwithstanding the provisions of section 2129.2 of this section, employees newly registered in a domestic partnership are eligible to enroll their domestic partners and their dependents in the District of Columbia Employees Health Benefits Program within thirty-one (31) days of the date the domestic partnership registration is issued by the D.C. Department of Health.
- 2129.4 In order to enroll a domestic partner and any dependent children of the domestic partner in the District of Columbia Employees Health Benefits Program, an eligible employee shall:
- (1) Have a valid certificate of domestic partnership issued by the D.C. Department of Health;
  - (2) Present such certificate to the personnel authority; and
  - (3) Complete an Affidavit of Domestic Partnership for Health Insurance Benefits with the personnel authority.
- 2129.5 As applicable, an eligible employee shall provide proof of the dependency of a child of a domestic partner by presenting the birth certificate or other legal document demonstrating legal custodial care to the personnel authority.
- 2129.6 The eligible employee shall assume twenty five percent (25%) of the cost of the health insurance premium for his or her domestic partner and any eligible dependent children, and the District government shall assume the remaining seventy five percent (75%).
- 2129.7 Any health insurance premiums pursuant to this section shall be deducted on an after-tax basis directly from the employee's paycheck.
- 2129.8 Health benefits for domestic partners and their dependents shall be terminated upon the death of the employee. Surviving domestic partners who are enrolled as dependents may convert to an individual health insurance policy directly through the health insurance provider(s).
- 2129.9 Upon termination of District government service, the eligible employee may elect to continue health benefits coverage as specified in section 2130 of this chapter, and may include continued health benefits coverage for his or her domestic partner and the dependents of the domestic partner.
- 2129.10 An eligible employee shall inform his or her personnel authority, in writing, of any change in the circumstances attested to in the Affidavit of Domestic



Partnership for Health Insurance Benefits referenced in section 2129.4 of this section.

- 2129.11 A domestic partnership may be terminated, with or without the consent of both partners, by filing a termination of domestic partnership statement with the D.C. Department of Health. The termination of the domestic partnership statement filed shall become effective six (6) months after the date the statement is filed with the D.C. Department of Health.
- 2129.12 An employee who terminates a domestic partnership as specified in section 2129.11 of this section shall notify his or her personnel authority within thirty (30) days of the filing of the termination of domestic partnership statement. Health benefits enrollment of the domestic partner and his or her dependents shall continue, at a cost as specified in section 2129.6 of this section, during the six (6) months that the termination of the domestic partnership is pending, provided District government employment is maintained.

Comments on these proposed regulations should be submitted, in writing, to Lisa R. Marin, SPHR, Director of Personnel, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these proposed regulations are available from the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

TELEPHONE TARIFF 06-8, IN THE MATTER OF THE APPLICATION OF VERIZON  
WASHINGTON, DC INC. FOR AUTHORITY TO AMEND THE GENERAL SERVICES  
TARIFF, P.S.C.-D.C.-NO. 203

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Official Code Section 2-505,<sup>1</sup> of its intent to act upon the Application of Verizon Washington, DC Inc. ("Verizon DC") in the above-captioned matter in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On November 14, 2006, Verizon DC filed an application requesting authority to amend the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C.-NO. 203  
Section 31, 2nd Revised Page 6

3. Verizon proposes to introduce a bundled discount option associated with the Regional Essential Bundled Service. Specifically, customers who subscribe to the Regional Essential Bundled Service and an unlimited domestic long distance calling plan will have the option of receiving a specified discount on their monthly bill for a period of 12 months if they also subscribe to one or all of the following affiliated services: Verizon Online Broadband (Up to 3M package); Verizon Wireless One-Bill®; or DirecTV® (Total Choice or Higher).

4. The complete text of the tariff page is on file with the Commission. Copies of the proposed tariff page may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff page are available upon request, at a per-page reproduction cost.

5. This application was filed requesting expedited review under Chapter 35 of the Commission's rules. Comments on the proposed tariff revisions must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 35 days from the date of publication of this NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on Verizon DC's application.

<sup>1</sup> D.C. Official Code, § 2-505.

## DISTRICT DEPARTMENT OF TRANSPORTATION

### NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority set forth under sections 3(b), 5(4)(A), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(4)(A), and 50-921.06); section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04), and Mayor's Order 96-175 (December 9, 1996), hereby gives notice of her intent to amend § 225 of Chapter 2 of Title 24 of the District of Columbia Municipal Regulations (DCMR) (Public Space and Safety). The proposed rulemaking will update § 225 to create a new category of public space permit fees related to receptacles for construction debris (e.g., Dumpsters™). Final rulemaking action to adopt this amendment shall be taken no less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**24 DCMR, Chapter 2, Section 225, PUBLIC SPACE PERMIT FEES, is amended as follows:**

**Subsection 225.1 is amended to read as follows:**

**225 PUBLIC SPACE PERMIT FEES**

**225.1** The following schedule of fees shall apply to public space permits:

**Temporary Occupation of Public Space**

Receptacles for construction debris (e.g., Dumpsters™) placed in public space in areas zoned CR, C-1 through C-5, CM, M, SP-1 and SP-2, and W-1 through W-3.

Monthly fee for each construction receptacle during the first three (3) months the receptacle occupies public space.....	\$20.00
Monthly fee for each construction receptacle during months four (4) and five (5) the receptacle occupies public space.....	\$75.00
Monthly fee for each construction receptacle that occupies public space during months six (6) and thereafter.....	\$150.00

Receptacles for construction debris (e.g., Dumpsters™) placed in public space in areas zoned R-1 through R-5.

Monthly fee for each construction receptacle during the first two (2) months the receptacle occupies public space.....	\$20.00
Monthly fee for each construction receptacle during month three (3) the receptacle occupies public space.....	\$50.00
Monthly fee for each construction receptacle during months four (4) and five (5) the receptacle occupies public space.....	\$100.00
Monthly fee for each construction receptacle that occupies public space during months six (6) and thereafter.....	\$200.00

All persons interested in commenting on the subject matter in the proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Ann Simpson-Mason, Acting Associate Director, District Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Comments may also be sent electronically to [publicspace.committee@dc.gov](mailto:publicspace.committee@dc.gov). Copies of the proposed rulemaking are available, at cost, by writing to the above address.